

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WINERIES OF THE OLD MISSION

PENINSULA, *et al.*,

Plaintiffs,

v.

PENINSULA TOWNSHIP, a Michigan
Municipal Corporation,

Defendant,

And

PROTECT THE PENINSULA,

Intervenor-Defendant.

Case No.: 1:20-cv-1008-PLM
Honorable Paul L. Maloney
Magistrate Judge Ray S. Kent

**DEF PENINSULA TOWNSHIP'S
MOTION TO STAY PROCEEDINGS**

****ORAL ARGUMENT REQUESTED****

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**DEFENDANT PENINSULA TOWNSHIP'S MOTION TO STAY PROCEEDINGS TO
ALLOW NON-PARTY MICHIGAN TOWNSHIP PARTICIPATING PLAN
SUFFICIENT TIME TO INVESTIGATE CONFLICT OF INTEREST AND/OR MOVE
TO DISQUALIFY PLAINTIFFS' COUNSEL**

Through July 21, 2014, Defendant, Peninsula Township, was a member of the Michigan Township Participating Plan (the “Par Plan”), a membership organization comprised of over 1,000 municipal members, primarily townships. Par Plan members, among other membership benefits, obtain their insurance, risk management training, and participate in a dividend program depending on yearly profitability. For more than 30 years, Plaintiffs’ counsel, Miller, Canfield, Paddock & Stone (“Miller Canfield”), served as the general counsel of the Par Plan. That decades-long representation came to an abrupt end when Miller Canfield terminated the attorney-client relationship in February, 2023. Miller Canfield terminated the Par Plan as a client after a conflict of interest was uncovered in Miller Canfield’s ongoing representation of the Plaintiffs in this case – a representation directly adverse to Miller Canfield’s now former client.

Counsel for Peninsula Township raised this issue with Miller Canfield and advised that its representation in this matter may constitute a conflict of interest. Miller Canfield initially replied that, while it did not believe a conflict of interest exists, it would investigate the matter. However, since that initial contact, Miller Canfield has advised the Par Plan it is now operating under the

assumption that a conflict of interest exists and has terminated its decades-long representation of the Par Plan.

Peninsula Township moves this Court to stay the proceedings in this case for forty-five (45) days to allow the Par Plan sufficient time to examine the conflict of interest between Miller Canfield and the Par Plan and, if necessary, move for disqualification of Miller Canfield.

Peninsula Township relies on the accompanying brief and exhibits in support of this motion.

McGRAW MORRIS, P.C.
Attorneys for Defendant Peninsula Township

Dated: April 13, 2023

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